

105TH CONGRESS
1ST SESSION

S. 1404

To establish a Federal Commission on Statistical Policy to study the reorganization of the Federal statistical system, to provide uniform safeguards for the confidentiality of information acquired for exclusively statistical purposes, and to improve the efficiency of Federal statistical programs and the quality of Federal statistics by permitting limited sharing of records among designated agencies for statistical purposes under strong safeguards.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 7, 1997

Mr. BROWNBACK (for himself, Mr. MOYNIHAN, Mr. THOMPSON, and Mr. KERREY) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To establish a Federal Commission on Statistical Policy to study the reorganization of the Federal statistical system, to provide uniform safeguards for the confidentiality of information acquired for exclusively statistical purposes, and to improve the efficiency of Federal statistical programs and the quality of Federal statistics by permitting limited sharing of records among designated agencies for statistical purposes under strong safeguards.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Federal Statistical System Act of 1997”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Sense of the Congress.

TITLE I—FEDERAL COMMISSION ON STATISTICAL POLICY

- Sec. 101. Establishment.
- Sec. 102. Duties of Commission.
- Sec. 103. Powers.
- Sec. 104. Commission procedures.
- Sec. 105. Personnel matters.
- Sec. 106. Other administrative provisions.
- Sec. 107. Termination.
- Sec. 108. Fast-track procedures for statistical reorganization bill.

TITLE II—EFFICIENCY AND CONFIDENTIALITY OF FEDERAL
STATISTICAL SYSTEMS

- Sec. 201. Purposes.
- Sec. 202. Definitions.
- Sec. 203. Designation of Statistical Data Centers.
- Sec. 204. Statistical Data Center responsibilities.
- Sec. 205. Limitations on use and disclosure of data and information by Statistical Data Centers.
- Sec. 206. Disclosure of data or information by Federal agencies to Statistical Data Centers.
- Sec. 207. Statistical Data Center successors.
- Sec. 208. Coordination and oversight by Office of Management and Budget.
- Sec. 209. Effect on other laws.
- Sec. 210. Proposed changes in law.

6 **SEC. 2. FINDINGS.**

7 The Congress, recognizing the importance of statis-
8 tical information in the development of national priorities
9 and policies and in the administration of public programs,
10 hereby finds the following:

11 (1) While the demand for statistical information
12 has grown substantially during the last 30 years, the

1 difficulty of coordinating planning within the decen-
2 tralized Federal statistical system has limited the
3 usefulness of statistics in defining problems and de-
4 termining national policies to deal with complex so-
5 cial and economic issues.

6 (2) Coordination and planning among the sta-
7 tistical programs of the Government are necessary to
8 strengthen and improve the quality and utility of
9 Federal statistics and to reduce duplication and
10 waste in information collected for statistical pur-
11 poses.

12 (3) High-quality Federal statistical products
13 and programs are essential for sound business and
14 public policy decisions.

15 (4) The challenge of providing high-quality sta-
16 tistics has increased because our economy and soci-
17 ety are more complex, new technologies are avail-
18 able, and decisionmakers need more complete and
19 accurate data.

20 (5) Maintaining quality of Federal statistical
21 products requires full cooperation between Federal
22 statistical agencies and those persons and organiza-
23 tions that respond to their requests for information.

24 (6) Federal statistical products and programs
25 can be improved, without reducing respondent co-

1 operation, by permitting carefully controlled sharing
 2 of data with statistical agencies in a manner that is
 3 consistent with confidentiality commitments made to
 4 respondents.

5 **SEC. 3. SENSE OF THE CONGRESS.**

6 It is the sense of the Congress that—

7 (1) a more centralized statistical system is inte-
 8 gral to efficiency;

9 (2) with increased efficiency comes better inte-
 10 gration of research methodology, survey design, and
 11 economies of scale;

12 (3) the Chief Statistician must have the author-
 13 ity, personnel, and other resources necessary to
 14 carry out the duties of that office effectively, includ-
 15 ing duties relating to statistical forms clearance; and

16 (4) statistical forms clearance at the Office of
 17 Management and Budget should be better distin-
 18 guished from regulatory forms clearance.

19 **TITLE I—FEDERAL COMMISSION**
 20 **ON STATISTICAL POLICY**

21 **SEC. 101. ESTABLISHMENT.**

22 (a) ESTABLISHMENT.—There is established a com-
 23 mission to be known as the “Federal Commission on Sta-
 24 tistical Policy” (in this title referred to as the “Commis-
 25 sion”).

1 (b) COMPOSITION.—The Commission shall be com-
2 posed of 15 members as follows:

3 (1) The Chief Statistician of the Office of Man-
4 agement and Budget.

5 (2)(A) One member appointed by the President
6 who—

7 (i) is a Cabinet officer, an officer of Cabi-
8 net rank, the Chairman of the Board of Gov-
9 ernors of the Federal Reserve System, the
10 Comptroller General, or the Chairman of the
11 Council of Economic Advisers; and

12 (ii) shall serve as Chairman of the Com-
13 mission.

14 (B) Five members appointed by the President
15 from among individuals who—

16 (i) are not officers or employees of the
17 United States; and

18 (ii) are qualified to serve on the Commis-
19 sion by virtue of experience relating to the Bu-
20 reau of the Census, the Bureau of Economic
21 Analysis, or the Bureau of Labor Statistics.

22 (3) Four members appointed by the Speaker of
23 the House of Representatives, in consultation with
24 the majority leader and minority leader of the House
25 of Representatives, from among individuals who—

1 (A) are not officers or employees of the
2 United States; and

3 (B) are qualified to serve on the Commis-
4 sion by virtue of experience relating to one or
5 more of the bureaus referred to in paragraph
6 (2)(B)(ii).

7 (4) Four members appointed by the President
8 pro tempore of the Senate, in consultation with the
9 majority leader and minority leader of the Senate,
10 from among individuals who—

11 (A) are not officers or employees of the
12 United States; and

13 (B) are qualified to serve on the Commis-
14 sion by virtue of experience relating to one or
15 more of the bureaus referred to in paragraph
16 (2)(B)(ii).

17 (c) DEADLINE FOR APPOINTMENT.—Members shall
18 be appointed to the Commission not later than four
19 months after the date of the enactment of this Act.

20 (d) POLITICAL AFFILIATION.—(1) Of the members of
21 the Commission appointed under subsection (b)(2)(B), not
22 more than three may be of the same political party.

23 (2) Of the members of the Commission appointed
24 under subsection (b)(3), not more than two may be of the
25 same political party.

1 (3) Of the members of the Commission appointed
 2 under subsection (b)(4), not more than two may be of the
 3 same political party.

4 (e) CONSULTATION BEFORE APPOINTMENTS.—In
 5 making appointments under subsection (b), the President,
 6 the Speaker of the House of Representatives, and the
 7 President pro tempore of the Senate shall consult with ap-
 8 propriate professional organizations, including the Amer-
 9 ican Economic Association, the American Statistical Asso-
 10 ciation, the National Academy of Sciences, the National
 11 Academy of Public Administration, the American Public
 12 Health Association, the American Sociological Association,
 13 the American Political Science Association, the National
 14 Governors Association, the United States Conference of
 15 Mayors, and the Conference Board.

16 (f) TERMS.—(1) Each member appointed under sub-
 17 section (b)(2) shall be so appointed for a term of four
 18 years, except that, of the members first appointed under
 19 subsection (b)(2)(B), two (who shall be of different politi-
 20 cal parties) shall be appointed for a term of two years.

21 (2) Each member appointed under subsection (b)(3)
 22 shall be so appointed for a term of four years, except that,
 23 of the members first appointed, two (who shall be of dif-
 24 ferent political parties) shall be appointed for a term of
 25 two years.

1 (3) Each member appointed under subsection (b)(4)
2 shall be so appointed for a term of four years, except that,
3 of the members first appointed, two (who shall be of dif-
4 ferent political parties) shall be appointed for a term of
5 two years.

6 **SEC. 102. DUTIES OF COMMISSION.**

7 (a) STUDY AND REPORT.—The Commission shall
8 study and, not later than 18 months after the date of the
9 enactment of this Act, submit to Congress a written report
10 on the Federal statistical system including—

11 (1) recommendations on how the Federal statis-
12 tical system could be reorganized by consolidating
13 the statistical functions of agencies that carry out
14 statistical programs;

15 (2) recommendations on how to consolidate the
16 Bureau of Labor Statistics, the Bureau of the Cen-
17 sus, and the Bureau of Economic Analysis by Octo-
18 ber 1, 2001 (or by a date after that date), in a Fed-
19 eral Statistical Service;

20 (3) recommendations on how the consolidation
21 described in paragraph (2) may be achieved without
22 disruption in the release of statistical products;

23 (4) recommendations on whether the functions
24 of other agencies that carry out statistical programs

1 should be transferred to a Federal Statistical Serv-
2 ice;

3 (5) recommendations on whether the functions
4 of the Bureau of the Census relating to decennial
5 censuses of population should be delineated from the
6 other functions of the Bureau and, if so, rec-
7 ommendations on how such a delineation of func-
8 tions might be achieved;

9 (6) any other recommendations regarding how
10 the Federal statistical system could be reorganized
11 to achieve greater efficiency in carrying out Federal
12 statistical programs; and

13 (7) recommendations on possible improvements
14 to procedures for the release of major economic and
15 social indicators by the United States.

16 (b) STATISTICAL REORGANIZATION BILL.—(1) If the
17 written report submitted to Congress under subsection (a)
18 contains recommendations on the consolidation of the Bu-
19 reau of Labor Statistics, the Bureau of the Census, and
20 the Bureau of Economic Analysis in a Federal Statistical
21 Service, the report shall contain draft legislation incor-
22 porating such recommendations.

23 (2) Draft legislation submitted to Congress under
24 this subsection shall be limited to implementation of rec-

1 ommendations for the consolidation or reorganization of
2 the functions of such bureaus.

3 (3) Draft legislation submitted to Congress under
4 this subsection that would establish a Federal Statistical
5 Service shall—

6 (A) provide for an Administrator and Deputy
7 Administrator of the Federal Statistical Service, and
8 the creation of other officers as appropriate; and

9 (B) contain a provision designating the Admin-
10 istrator as a member of the Interagency Council on
11 Statistical Policy established under section
12 3504(e)(8) of title 44, United States Code.

13 (c) PERMANENT FUNCTIONS OF COMMISSION.—If
14 legislation establishing a Federal Statistical Service is en-
15 acted by the Congress on or before the date that is 18
16 months after the date that the Commission submits its
17 report to Congress under section 102(a), the Commission
18 shall—

19 (1) make recommendations for nominations for
20 the appointment of an Administrator and Deputy
21 Administrator, and make recommendations with re-
22 spect to the creation of, and nominations for, other
23 positions in the Federal Statistical Service;

1 (2) serve as an advisory body to the Federal
2 Statistical Service on confidentiality issues relating
3 to—

4 (A) the collection by, or sharing of data for
5 statistical purposes among, Federal agencies;
6 and

7 (B) the sharing of data for statistical pur-
8 poses by States and local governments with the
9 United States; and

10 (3) conduct comprehensive studies and submit
11 reports to Congress on all matters relating to the
12 Federal statistical infrastructure, including longitu-
13 dinal surveys conducted by private agencies and par-
14 tially funded by the Federal Government for the
15 purpose of identifying opportunities to improve the
16 quality of statistics in the United States. Such stud-
17 ies shall include—

18 (A) an evaluation of the accuracy and ap-
19 propriateness of key statistical indicators and
20 recommendations on ways to improve such ac-
21 curacy and appropriateness so that the indica-
22 tors better serve the major purposes for which
23 they were intended;

24 (B) an examination of multipurpose statis-
25 tical agencies that collect and analyze data of

1 broad interest across department and function
2 areas, such as the Bureau of Economic Analy-
3 sis, the Bureau of the Census, and the Bureau
4 of Labor Statistics, for the purpose of under-
5 standing the interrelationship and flow of data
6 among agencies;

7 (C) a review and evaluation of the collec-
8 tion of data for purposes of administering such
9 programs as Old-Age, Survivors and Disability
10 Insurance and Unemployment Insurance under
11 the Social Security Act;

12 (D) a review and evaluation of the mission
13 and organization of various statistical agencies,
14 including—

15 (i) recommendations with respect to
16 statistical activities that should be ex-
17 panded or eliminated;

18 (ii) the order of priority such activities
19 should be carried out; and

20 (iii) a review of the advantages and
21 disadvantages of a centralized statistical
22 agency of additional consolidation of Fed-
23 eral statistical agencies;

24 (E) an examination of the methodology in-
25 volved in producing official data and rec-

1 ommendations for technical changes to improve
2 statistics;

3 (F) a review of interagency coordination of
4 statistical data and recommendations of meth-
5 ods to standardize collection procedures and
6 surveys, as appropriate, and presentation of
7 data throughout the Federal system;

8 (G) a review of information technology and
9 recommendations of appropriate methods for
10 disseminating statistical data, with special em-
11 phasis on resources such as the Internet that
12 allow the public to obtain information in a time-
13 ly and cost-effective manner;

14 (H) an identification and examination of
15 issues regarding individual privacy in the con-
16 text of statistical data;

17 (I) a comparison of the United States sta-
18 tistical system to statistical systems of other
19 nations for the purposes of identifying best
20 practices and developing a system of maintain-
21 ing best practices over time;

22 (J) a consideration of the coordination of
23 statistical data with other nations and inter-
24 national agencies, such as the Organization for
25 Economic Cooperation and Development;

1 (K) a recommendation of a strategy for
 2 maintaining a modern and efficient Federal sta-
 3 tistical infrastructure to produce meaningful in-
 4 formation as the needs of the United States so-
 5 ciety and economy change; and

6 (L) recommendations regarding the use of
 7 statistical data in Federal funding formulas, the
 8 presentation to the public of statistical data col-
 9 lected by Federal agencies, and standards of ac-
 10 curacy for statistical data used by Federal
 11 agencies, including statistical data relating to—

12 (i) the national poverty level and
 13 county poverty levels in the United States;

14 (ii) the Consumer Price Index;

15 (iii) the gross national product;

16 (iv) other indicators of economic and
 17 social activity; and

18 (v) the decennial census.

19 (d) DEFINITION OF FEDERAL STATISTICAL SERV-
 20 ICE.—As used in this section, the term “Federal Statis-
 21 tical Service” means an entity established after the date
 22 of the enactment of this Act as an independent establish-
 23 ment in the executive branch, the purpose of which is to
 24 carry out Federal statistical programs and to which the
 25 statistical functions of the Bureau of Economic Analysis,

1 the Bureau of the Census, or the Bureau of Labor Statis-
2 ties are transferred.

3 **SEC. 103. POWERS.**

4 (a) HEARINGS AND SESSIONS.—The Commission
5 may, for the purpose of carrying out this Act, hold hear-
6 ings, sit and act at times and places, take testimony, and
7 receive evidence as the Commission considers appropriate.

8 (b) OBTAINING INFORMATION.—The Commission
9 may secure directly from any department or agency of the
10 United States information necessary to enable it to carry
11 out this Act. Upon request of the Chairman of the Com-
12 mission, the head of that department or agency shall fur-
13 nish that information to the Commission.

14 (c) IMMUNITY.—The Commission is an agency of the
15 United States for purposes of part V of title 18, United
16 States Code (relating to immunity of witnesses).

17 (d) CONTRACT AUTHORITY.—The Commission may
18 contract with and compensate government and private
19 agencies or persons without regard to section 3709 of the
20 Revised Statutes (41 U.S.C. 5).

21 **SEC. 104. COMMISSION PROCEDURES.**

22 (a) MEETINGS.—The Commission shall meet at the
23 call of the Chairman or a majority of its members.

1 (b) QUORUM.—Eight members of the Commission
2 shall constitute a quorum but a lesser number may hold
3 hearings.

4 (c) DELEGATION OF AUTHORITY.—Any member or
5 agent of the Commission may, if authorized by the Com-
6 mission, take any action which the Commission is author-
7 ized to take by this Act.

8 **SEC. 105. PERSONNEL MATTERS.**

9 (a) PAY OF MEMBERS.—Members of the Commission
10 appointed under paragraphs (2)(B), (3), or (4) of section
11 101(b) shall be entitled to receive the daily equivalent of
12 the rate of basic pay for level IV of the Executive Schedule
13 under section 5315 of title 5, United States Code, for each
14 day (including travel time) during which they are engaged
15 in the actual performance of duties vested in the Commis-
16 sion.

17 (b) TRAVEL EXPENSES.—Each member of the Com-
18 mission shall receive travel expenses, including per diem
19 in lieu of subsistence, in accordance with sections 5702
20 and 5703 of title 5, United States Code.

21 (c) STAFF.—The Commission may appoint and fix
22 the pay of personnel as it considers appropriate.

23 (d) APPLICABILITY OF CERTAIN CIVIL SERVICE
24 LAWS.—Staff of the Commission may be appointed with-
25 out regard to the provisions of title 5, United States Code,

1 governing appointments in the competitive service, and
 2 may be paid without regard to the provisions of chapter
 3 51 and subchapter III of chapter 53 of that title relating
 4 to classification and General Schedule pay rates, except
 5 that an individual so appointed may not receive pay in
 6 excess of the highest basic rate of pay established for the
 7 Senior Executive Service under section 5382 of such title.

8 **SEC. 106. OTHER ADMINISTRATIVE PROVISIONS.**

9 (a) **POSTAL AND PRINTING SERVICES.**—The Com-
 10 mission may use the United States mails and obtain print-
 11 ing and binding services in the same manner and under
 12 the same conditions as other departments and agencies of
 13 the United States.

14 (b) **ADMINISTRATIVE SUPPORT SERVICES.**—Upon
 15 the request of the Commission, the Administrator of Gen-
 16 eral Services shall provide to the Commission, on a reim-
 17 bursable basis, the administrative support services nec-
 18 essary for the Commission to carry out its responsibilities
 19 under this Act.

20 (c) **EXPERTS AND CONSULTANTS.**—The Commission
 21 may procure temporary and intermittent services under
 22 section 3109(b) of title 5, United States Code.

23 **SEC. 107. TERMINATION.**

24 (a) **INAPPLICABILITY OF FEDERAL ADVISORY COM-**
 25 **MITTEE ACT.**—Section 14(a)(2)(B) of the Federal Advi-

1 sory Committee Act (5 U.S.C. App.), relating to the termi-
 2 nation of advisory committees, shall not apply to the Com-
 3 mission.

4 (b) CONTINGENCY OF TERMINATION.—If legislation
 5 establishing a Federal Statistical Service (as that term is
 6 defined in section 102(d)) is not enacted by the Congress
 7 on or before the date that is 18 months after the date
 8 that the Commission submits its report under section
 9 102(a), the Commission shall terminate upon expiration
 10 of that period.

11 **SEC. 108. FAST-TRACK PROCEDURES FOR STATISTICAL RE-**
 12 **ORGANIZATION BILL.**

13 (a) RULES OF HOUSE OF REPRESENTATIVES AND
 14 SENATE.—This section is enacted by the Congress—

15 (1) as an exercise of the rulemaking power of
 16 the House of Representatives and the Senate, re-
 17 spectively, and as such it shall be considered as part
 18 of the rules of each House, respectively, or of that
 19 House to which it specifically applies, and shall su-
 20 persede other rules only to the extent that they are
 21 inconsistent with this section; and

22 (2) with full recognition of the constitutional
 23 right of either House to change the rules (so far as
 24 relating to such House) at any time, in the same

1 manner and to the same extent as in the case of
2 any other rule of that House.

3 (b) DEFINITION.—As used in this section, the term
4 “statistical reorganization bill” means only a bill of either
5 House of Congress—

6 (1) that is substantially identical to the draft
7 legislation submitted to Congress by the Commission
8 under section 102(b); and

9 (2) that is introduced as provided in subsection
10 (c).

11 (c) INTRODUCTION AND REFERRAL.—Within 15 leg-
12 islative days after the Commission submits to Congress
13 draft legislation under section 102(b), legislation that is
14 substantially identical to the draft legislation shall be in-
15 troduced (by request) in the House by the majority leader
16 of the House of Representatives and shall be introduced
17 (by request) in the Senate by the majority leader of the
18 Senate. Such bills shall be referred to the appropriate
19 committees.

20 (d) CERTAIN AMENDMENTS PROHIBITED.—No
21 amendment to a statistical reorganization bill other than
22 a technical amendment shall be in order in either the
23 House of Representatives or the Senate, and no motion
24 to suspend the application of this subsection shall be in
25 order in either House, nor shall it be in order in either

1 House to entertain a request to suspend the application
 2 of this subsection by unanimous consent.

3 (e) PERIOD FOR COMMITTEE AND FLOOR CONSIDER-
 4 ATION.—

5 (1) If the committee of either House to which
 6 a statistical reorganization bill has been referred has
 7 not reported it at the close of the 20th day after its
 8 introduction, such committee shall be automatically
 9 discharged from further consideration of the bill and
 10 it shall be placed on the appropriate calendar. If
 11 prior to the passage by one House of a statistical re-
 12 organization bill of that House, that House receives
 13 the same statistical reorganization bill from the
 14 other House, then—

15 (A) the procedure in that House shall be
 16 the same as if no statistical reorganization bill
 17 had been received from the other House; but

18 (B) the vote on final passage shall be on
 19 the statistical reorganization bill of the other
 20 House.

21 (2) A vote on final passage of a statistical reor-
 22 ganization bill shall be taken in each House on or
 23 before the close of the 15th day after the bill is re-
 24 ported by the committee or committees of that
 25 House to which the bill was referred, or the 15th

1 day after such committee or committees have been
2 discharged from further consideration of the bill.

3 (3) For purposes of this subsection, in comput-
4 ing a number of days in either House, there shall be
5 excluded the days on which that House is not in ses-
6 sion because of an adjournment of more than 3 days
7 to a day certain or an adjournment of the Congress
8 sine die.

9 (f) FLOOR CONSIDERATION IN THE HOUSE.—

10 (1) A motion in the House of Representatives
11 to proceed to the consideration of a statistical reor-
12 ganization bill shall be highly privileged except that
13 a motion to proceed to consider may only be made
14 on the second legislative day after the calendar day
15 on which the Member making the motion announces
16 to the House his intention to do so. The motion to
17 proceed to consider is not debatable. An amendment
18 to the motion shall not be in order, nor shall it be
19 in order to move to reconsider the vote by which the
20 motion is agreed to or disagreed to.

21 (2) Debate on a statistical reorganization bill in
22 the House of Representatives shall be limited to not
23 more than 4 hours, which shall be divided equally
24 between those favoring and those opposing the bill.
25 The previous question on the statistical reorganiza-

1 tion bill shall be considered as ordered to final pas-
 2 sage without intervening motion. It shall not be in
 3 order to move to recommit a statistical reorganiza-
 4 tion bill or to reconsider the vote by which a statis-
 5 tical reorganization bill is agreed to or disagreed to.

6 (3) All appeals from the decisions of the Chair
 7 relating to the application of the Rules of the House
 8 of Representatives to the procedure relating to a sta-
 9 tistical reorganization bill shall be decided without
 10 debate.

11 (g) FLOOR CONSIDERATION IN THE SENATE.—

12 (1) A motion in the Senate to proceed to the
 13 consideration of a statistical reorganization bill shall
 14 be privileged and not debatable. An amendment to
 15 the motion shall not be in order, nor shall it be in
 16 order to move to reconsider the vote by which the
 17 motion is agreed to or disagreed to.

18 (2) Debate in the Senate on a statistical reorga-
 19 nization bill, and all debatable motions and appeals
 20 in connection therewith, shall be limited to not more
 21 than 10 hours. The time shall be equally divided be-
 22 tween, and controlled by, the majority leader and the
 23 minority leader or their designees.

24 (3) Debate in the Senate on any debatable mo-
 25 tion or appeal in connection with a statistical reorga-

1 nization bill shall be limited to not more than 1
 2 hour, to be equally divided between, and controlled
 3 by, the mover and the manager of the bill, except
 4 that in the event the manager of the bill is in favor
 5 of any such motion or appeal, the time in opposition
 6 thereto shall be controlled by the minority leader or
 7 his designee. Such leaders, or either of them, may,
 8 from time under their control on the passage of a
 9 statistical reorganization bill, allot additional time to
 10 any Senator during the consideration of any debat-
 11 able motion or appeal.

12 (4) A motion in the Senate to further limit de-
 13 bate is not debatable. A motion to recommit a statis-
 14 tical reorganization bill is not in order.

15 **SEC. 109. AUTHORIZATION OF APPROPRIATIONS.**

16 There is authorized to be appropriated for the Com-
 17 mission such sums as may be necessary to carry out the
 18 functions of the Commission.

19 **TITLE II—EFFICIENCY AND CON-**
 20 **FIDENTIALITY OF FEDERAL**
 21 **STATISTICAL SYSTEMS**

22 **SEC. 201. PURPOSES.**

23 The purposes of this title are the following:

24 (1) To provide that individually identifiable in-
 25 formation furnished either directly or indirectly to

1 designated statistical agencies for exclusively statis-
2 tical purposes shall not be disclosed in individually
3 identifiable form by such agencies for any other pur-
4 pose without the informed consent of the respond-
5 ent.

6 (2) To prohibit the use by such agencies, in in-
7 dividually identifiable form, of any information col-
8 lected, compiled, or maintained solely for statistical
9 purposes under Federal authority, to make any deci-
10 sion or take any action directly affecting the rights,
11 benefits, and privileges of the person to whom the
12 information pertains, except with the person's con-
13 sent.

14 (3) To reduce the reporting burden, duplication,
15 and expense imposed on the public by permitting
16 interagency exchange, solely for statistical purposes,
17 of individually identifiable information needed for
18 statistical programs, and to establish secure condi-
19 tions for such exchanges.

20 (4) To reduce the cost and improve the accu-
21 racy of statistical programs by facilitating coopera-
22 tive projects between statistical agencies, and to cre-
23 ate a secure environment where expertise and data
24 resources that reside in different agencies can be

1 brought together to address the information needs of
2 the public.

3 (5) To reduce the risk of unauthorized disclo-
4 sure of information maintained solely for statistical
5 purposes by designating specific statistical agencies
6 that are authorized to receive otherwise privileged
7 information for such purposes from other agencies,
8 and to prescribe specific conditions and procedures
9 that must be complied with in any such exchange.

10 (6) To establish a consistent basis under the re-
11 quirements of section 552 of title 5, United States
12 Code (popularly known as the “Freedom of Informa-
13 tion Act”) for exempting a defined class of statis-
14 tical information from compulsory disclosure.

15 (7) To ensure that existing avenues for public
16 access to administrative data or information under
17 section 552a of title 5, United States Code (popu-
18 larly known as the “Privacy Act”) or the Freedom
19 of Information Act are retained without change.

20 (8) To establish consistent procedural safe-
21 guards for records disclosed exclusively for statistical
22 purposes, including both public input and an over-
23 sight process to ensure fair information practices.

24 **SEC. 202. DEFINITIONS.**

25 As used in this title:

1 (1) The term “agency” means any Federal or-
2 ganization that falls within the definition of “execu-
3 tive agency” in section 102 of title 31, United States
4 Code, or within the definition of “agency” in section
5 3502 of title 44, United States Code.

6 (2) The term “agent” means a person des-
7 ignated by a Statistical Data Center (as designated
8 in section 203) to perform, either in the capacity of
9 a Federal employee or otherwise, exclusively statis-
10 tical activities authorized by law under the super-
11 vision or control of an officer or employee of that
12 Statistical Data Center, and who has agreed in writ-
13 ing to comply with all provisions of law that affect
14 information acquired by that Statistical Data Cen-
15 ter.

16 (3) The term “identifiable form” means any
17 representation of information that permits informa-
18 tion concerning an individual to be reasonably in-
19 ferred by either direct or indirect means.

20 (4) The term “nonstatistical purpose” means
21 any purpose that is not a statistical purpose, and in-
22 cludes any administrative, regulatory, adjudicatory,
23 or other purpose that affects the rights, privileges,
24 or benefits of a particular identifiable respondent.

1 (5) The term “respondent” means a person who
2 is requested or required to supply information to an
3 agency, who is the subject of information requested
4 or required to be supplied to an agency, or who pro-
5 vides that information to an agency.

6 (6) The term “statistical activities”—

7 (A) means the collection, compilation,
8 processing, or analysis of data for the purpose
9 of describing or making estimates concerning
10 the whole of, or relevant groups or components
11 within, the economy, society, or the natural en-
12 vironment; and

13 (B) includes the development of methods
14 or resources that support those activities, such
15 as measurement methods, models, statistical
16 classifications, or sampling frames.

17 (7) The term “statistical purpose”—

18 (A) means the description, estimation, or
19 analysis of the characteristics of groups without
20 regard to the identities of persons that comprise
21 such groups; and

22 (B) includes the development, implementa-
23 tion, or maintenance of methods, technical or
24 administrative procedures, or information re-
25 sources that support such purposes.

1 **SEC. 203. DESIGNATION OF STATISTICAL DATA CENTERS.**

2 Each of the following is hereby designated as a Sta-
3 tistical Data Center:

4 (1) The Bureau of Economic Analysis in the
5 Department of Commerce.

6 (2) The Bureau of the Census in the Depart-
7 ment of Commerce.

8 (3) The Bureau of Labor Statistics in the De-
9 partment of Labor.

10 (4) The National Agricultural Statistics Service
11 in the Department of Agriculture.

12 (5) The National Center for Education Statis-
13 tics in the Department of Education.

14 (6) The National Center for Health Statistics
15 in the Department of Health and Human Services.

16 (7) The Energy End Use and Integrated Statis-
17 tics Division of the Energy Information Administra-
18 tion in the Department of Energy.

19 (8) The Division of Science Resources Studies
20 in the National Science Foundation.

21 **SEC. 204. STATISTICAL DATA CENTER RESPONSIBILITIES.**

22 The Statistical Data Centers designated in section
23 203 shall—

24 (1) identify opportunities to eliminate duplica-
25 tion and otherwise reduce reporting burden and cost

1 imposed on the public by sharing information for ex-
 2 clusively statistical purposes;

3 (2) enter into joint statistical projects to im-
 4 prove the quality and reduce the cost of statistical
 5 programs;

6 (3) safeguard the confidentiality of individually
 7 identifiable information acquired for statistical pur-
 8 poses by assuring its physical security and by con-
 9 trolling access to, and uses made of, such informa-
 10 tion; and

11 (4) respect the rights and privileges of the pub-
 12 lic by observing and promoting fair information
 13 practices.

14 **SEC. 205. LIMITATIONS ON USE AND DISCLOSURE OF DATA**
 15 **AND INFORMATION BY STATISTICAL DATA**
 16 **CENTERS.**

17 (a) USE OF STATISTICAL DATA OR INFORMATION.—
 18 A Statistical Data Center may use data or information
 19 acquired for exclusively statistical purposes only for statis-
 20 tical purposes.

21 (b) DISCLOSURE OF STATISTICAL DATA OR INFOR-
 22 MATION.—A Statistical Data Center may not disclose data
 23 or information acquired for exclusively statistical purposes
 24 in identifiable form for any purpose other than a statis-

1 tical purpose without the informed consent of the respond-
2 ent.

3 (c) RULE FOR USE OF DATA OR INFORMATION FOR
4 NONSTATISTICAL PURPOSES.—A Statistical Data Center
5 shall clearly distinguish any data or information collected
6 for nonstatistical purposes (as authorized by law) by the
7 Statistical Data Center by a rule that provides that the
8 respondent supplying the data or information is fully in-
9 formed, before the data or information is collected, that
10 the data or information will be used for nonstatistical pur-
11 poses.

12 **SEC. 206. DISCLOSURE OF DATA OR INFORMATION BY FED-**
13 **ERAL AGENCIES TO STATISTICAL DATA CEN-**
14 **TERS.**

15 (a) AGENCIES THAT MAY DISCLOSE DATA OR IN-
16 FORMATION TO A STATISTICAL DATA CENTER.—Subject
17 to subsection (b), the following agencies may disclose data
18 or information to a Statistical Data Center for statistical
19 purposes:

- 20 (1) A Statistical Data Center.
- 21 (2) The Department of Commerce.
- 22 (3) The Department of Labor.
- 23 (4) The Department of Agriculture.
- 24 (5) The Department of Education.

1 (6) The Department of Health and Human
2 Services.

3 (7) The Department of Energy.

4 (8) The National Science Foundation.

5 (9) The Internal Revenue Service.

6 (b) LIMITATIONS ON DISCLOSURE.—Data or infor-
7 mation may be disclosed to a Statistical Data Center
8 under subsection (a) only if—

9 (1) the data or information is to be used exclu-
10 sively for statistical purposes by the Statistical Data
11 Center;

12 (2) the disclosure to, and proposed use by, the
13 data or information by the Statistical Data Center
14 is not inconsistent with any provisions of law or Ex-
15 ecutive order that explicitly limit the statistical pur-
16 poses for which such data or information may be
17 used;

18 (3) the disclosure is not prohibited by law or
19 Executive order in the interest of national security;

20 (4) the disclosure is made under the terms of
21 a written agreement between the Statistical Data
22 Center and the agency or unit supplying the data or
23 information that specifies—

24 (A) the data or information to be disclosed;

1 (B) the purposes for which the data or in-
2 formation is to be used; and

3 (C) appropriate security procedures to
4 safeguard the confidentiality of the data or in-
5 formation; and

6 (5) the data or information is not disclosed in
7 identifiable form (except in a case in which the data
8 or information was collected directly by a party to
9 the agreement and the agreement specifies that the
10 data or information may be so disclosed to another
11 party to the agreement for exclusively statistical
12 purposes).

13 (c) NOTICE AND COMMENT.—The public notice and
14 comment procedures for data collections described in sec-
15 tion 3506(c)(2)(A) of title 44, United States Code, and
16 the provisions relating to review of data collections by the
17 Director of the Office of Management and Budget in sec-
18 tion 3507 of such title, shall apply to each written agree-
19 ment entered into under subsection (b)(4). The scope of
20 any public notice and comment with respect to any such
21 written agreement shall extend to all issues relating to the
22 requirements of this section.

23 (d) APPLICABILITY OF OTHER LAWS.—(1) The dis-
24 closure of data or information by an agency to a Statistical
25 Data Center under this section shall in no way alter the

1 responsibility of that agency under other statutes (includ-
 2 ing the Freedom of Information Act and the Privacy Act)
 3 with respect to the disclosure or withholding of such infor-
 4 mation by that agency.

5 (2) If data or information obtained by an agency is
 6 disclosed to a Statistical Data Center pursuant to this sec-
 7 tion, all provisions of law (including penalties) that relate
 8 to the unlawful disclosure of the data or information apply
 9 to the officers, employees, or agents of the Statistical Data
 10 Center to which information is disclosed to the same ex-
 11 tent and in the same manner as the provisions apply to
 12 the officers and employees of the agency which originally
 13 obtained the information.

14 (3) The officers, employees, and agents of the agency
 15 to which the information is released, in addition, shall be
 16 subject to the same provisions of law, including penalties,
 17 relating to the unlawful disclosure of information that
 18 would apply to officers and employees of that agency, if
 19 the information had been collected directly by that agency.

20 **SEC. 207. STATISTICAL DATA CENTER SUCCESSORS.**

21 (a) DESIGNATION.—In the case of a reorganization
 22 that eliminates, or substantially alters the mission or func-
 23 tions of, an agency listed in section 206(a), the Director
 24 of the Office of Management and Budget, after consulta-
 25 tion with the head of the agency proposing the reorganiza-

tion, may designate an agency or unit that shall serve as a successor Statistical Data Center under the terms of this title, if the Director determines that—

(1) the primary activities of the proposed Statistical Data Center are statistical activities specifically authorized by law;

(2) the proposed Statistical Data Center would participate in data sharing activities that significantly improve Federal statistical programs or products;

(3) the proposed Statistical Data Center has demonstrated its capability to protect the individual confidentiality of any shared data; and

(4) the statutes that apply to the proposed Statistical Data Center are not inconsistent with this title.

(b) NOTICE AND COMMENT.—The head of an agency seeking designation as a successor Statistical Data Center under this subsection shall, after consultation with the Director of the Office of Management and Budget, provide public notice and an opportunity to comment on the consequences of such designation and on those determinations upon which the designation is proposed to be based.

(c) PROHIBITION AGAINST INCREASE IN NUMBER OF CENTERS.—No action taken under this section shall in-

1 crease the number of Statistical Data Centers authorized
2 by this title.

3 **SEC. 208. COORDINATION AND OVERSIGHT BY OFFICE OF**
4 **MANAGEMENT AND BUDGET.**

5 (a) IN GENERAL.—The Director of the Office of
6 Management and Budget shall coordinate and oversee the
7 confidentiality and disclosure policies established by this
8 title.

9 (b) IMPLEMENTING REGULATIONS.—The Director of
10 the Office of Management and Budget may promulgate
11 such rules as may be necessary to implement this title.

12 (c) REVIEW AND APPROVAL OF RULES.—The Direc-
13 tor of the Office of Management and Budget shall review
14 and approve any rules proposed pursuant to this title for
15 consistency with this title and chapter 35 of title 44, Unit-
16 ed States Code.

17 (d) REPORT OF DISCLOSURE AGREEMENTS.—(1)
18 The head of a Statistical Data Center shall report to the
19 Office of Management and Budget—

20 (A) each disclosure agreement entered into pur-
21 suant to section 206(b)(4);

22 (B) the results of any review of information se-
23 curity undertaken at the request of the Office of
24 Management and Budget; and

1 (C) the results of any similar review undertaken
2 on the initiative of the Statistical Data Center or an
3 agency supplying data or information to a Statistical
4 Data Center.

5 (2) The Director of the Office of Management and
6 Budget shall include a summary of all reports submitted
7 to the Director under this subsection and any actions
8 taken by the Director to advance the purposes of this title
9 in its annual report to the Congress on statistical pro-
10 grams.

11 **SEC. 209. EFFECT ON OTHER LAWS.**

12 (a) 44 U.S.C. 3510.—This title, including the amend-
13 ments made herein, does not diminish the authority under
14 section 3510 of title 44, United States Code, of the Direc-
15 tor of the Office of Management and Budget to direct,
16 and of an agency to make, disclosures that are not incon-
17 sistent with any applicable law.

18 (b) 5 U.S.C. 552.—Data or information acquired for
19 exclusively statistical purposes as provided in section 205
20 is exempt from mandatory disclosure under section 552
21 of title 5, United States Code, pursuant to section
22 552(b)(3) of such title.

23 **SEC. 210. PROPOSED CHANGES IN LAW.**

24 Not later than 90 days after the date of the enact-
25 ment of this Act, the President shall submit to Congress

- 1 a description of any changes in Federal law necessary to
- 2 reflect any measures under this Act.

